



**OBJECTION TO GRANTING OF RESTAURANT LIQUOR LICENCE FOR
SS MOTHA IN RESPECT OF PREMISES SITUATED AT SHOP 5B, 7th
AVENUE MELVILLE, ERF No. 87**

Application Reference number: GLB 7000009469

LODGED BY: -

Full name of objector: MELVILLE RESIDENTS' ASSOCIATION

Full address of objector: 126a 4th AVENUE, MELVILLE 2092

Contact telephone number of objector: 0833757742

Email address of objector: mrteam@ilovemelville.co.za

TO: Liquor Licensing – Johannesburg Regional Office
Gauteng Liquor Board
Matlotlo House
124 Main Street
Johannesburg

Receipt of Objection Acknowledged:

Signed:

Date:

AND TO: Lehlaga Sebake
Applicant's Representative
11 Reynolds Street
Kensington
2094

Email: sebakelehlaga@yahoo.com

Receipt of Objection Acknowledged:

Signed:

Date:

1. The applicant Sydney Sifiso Motha, ID number 851228 5294 084, has applied for a restaurant liquor licence in respect of The Cellar Wine Restaurant at shop 5B, 7th Avenue, Melville, situated at Erf 87, Melville, under application reference number GLB7000009469. A major concern is the conflicting information in this application regarding a number of aspects.
2. The Melville Residents Association ("MRA") has had sight of the application papers made available by the Johannesburg Regional Office of the Gauteng Liquor Board and filed by or on behalf of the applicant for the above premises in terms of section 23 of the Gauteng Liquor Act 2 of 2003. Certain aspects relating to this application are of particular concern to the MRA and have led to it filing this objection.
3. Important aspects to clarify, are the identity of the applicant: is it SS Motha, or a close corporation or is it to be a private limited company – there are conflicting information in the set of documents. There is no SAPS clearance, and the SARS clearance references SS Motha, while the proposed lease agreement is with Beyond Vision (Pty) Ltd. While an extract from minutes of a close corporation is attached, but with no indication of which close corporation. No address or contact number of the applicant is included in the application form.
4. The venue address is also uncertain as there are no shops in 7th Avenue, Melville.
5. These details are crucial to enable both the Liquor Board and any interested party to be able to investigate options and possible impacts.

The MRA is of the opinion that on this alone, the applications should not even be considered and should be dismissed.

FURTHER SPECIFIC COMMENTS:

6. Liquor trading and consumption in Melville have had a considerable impact on our suburb. While Melville has two strip business / commercial areas on 7th Street leading into 4th Avenue and Main Road, Melville, it is a primarily **residential area**. The business / commercial strips were created to allow for the establishment of retail outlets and facilities to serve the Melville residential area. As a consequence of this residentially-based layout, the business / commercial strips are very narrow, typically consisting of a depth of only one erf from Main Road, 7th Street and all the avenues from 1st to 5th Street. There is a concern that the type of activity which is likely to take place in and around the applicant's premises should it obtain a liquor licence, will raise noise levels with a potentially negative impact on the quality of life enjoyed by residents who live within earshot of the premises.
7. 7th Street in Melville has historically experienced many incidents of lawlessness and serious **crime**, including drug peddling, muggings, fights, intimidation and harassment of residents, and at least two violent deaths at premises trading in liquor over the past 2 years, being a murder at the (now closed) Dollar Table and the beating to death of an armed response officer outside Ratz – both premises located in 7th Street. The MRA works proactively for a safe, peaceful suburb, and is gravely concerned about this trend, especially its negative

impact on the rights of individual residents and the far reaching reputational and security compromises it has caused our community.

8. The MRA wishes to make the following averments in response to certain statements made in the applicant's written representations:

The applicant states that there is "a growing market" for restaurants in the area. There is in fact already more than enough supply of these types of establishments in the area. There is already an oversaturation of restaurants and liquor outlets in Melville, specifically in 7th Street between 1st Avenue and 5th Avenue, serving liquor with meals and in some instances separately at the bar, both during the week and over weekends. At last count there are approximately 31 liquor outlets in Melville.

The MRA is of the respectful view that the applicant has neither proven the need, nor the desirability or appropriateness of establishing yet another liquor serving establishment in Melville. A further concern is that the oversaturation may well lead to the further demise of some outlets leaving possibly empty venues that will encourage further displaced persons and then creating a domino effect which will affect all business in 7th Street.

9. The menu attached reflects also the name of another venue and is clearly not a restaurant menu, more a pub menu while a restaurant licence as envisaged in this application only allows liquor to be served with meals.
10. The draft lease agreement attached, is not signed and as indicated above, is not in the name of the applicant, but a company. It is further important to note that one of the conditions of the lease is that it is to be a bottle store – no on consumption is allowed in this instance.
11. Prior to the consideration of the Liquor Licence by the Liquor Board the MRA requires clarification of the identity of the applicant and the correct description of the venue. This application is to be dismissed in its entirety unless it is withdrawn and substituted with a correct and complete set which should include:

copies of the

- a) Correct lease agreement;
- b) Approval of building plans for the proposed layout;
- c) Clearance from City of Johannesburg Environmental Health Department;
- d) Clearance from City of Johannesburg Emergency Management Services; and
- e) SAPS clearance;

and should at least be re-advertised.

12. **Parking** is already a major problem in and around 7th Street. In the evenings and, over weekends congestion and double parking near the relevant premises already pose a severe threat to road safety and general amenity of the immediate surrounding area. With the addition of The Cellar Wine, the problem will be further exacerbated, and this is likely to lead to parking moving further into the residential area. The parked cars attract car guards, who are known to peddle drugs and intimidate car owners and pedestrians. It does not appear as though the applicant can adequately address this major issue.

13. Regulation 3(2) d) of the Gauteng Liquor Act provides, inter alia, that:

“(2) An application for a licence as contemplated in section 19 of the Act must be –

d) accompanied by a comprehensive written motivation in support of the application which must include public interest requirements–

(i) the need for a liquor outlet in the area,

(ii) the impact of a liquor outlet in the area

(vi) the proximity of other liquor outlets, educational institutions, places of worship and public transport facilities”

The MRA does not believe that the present application adequately addresses the above requirements. Argument will be advanced at the hearing on this point in the event that the application proceeds.

14. **Section 4 (5) of the Regulations** states that the applicant must give notice of an application by serving a notice of the application to educational institutions, places of worship and liquor outlets within 500m of the proposed premises. The MRA submits that the above requirements were not adequately met, will ask for proof of same at the hearing, and reserves the right to advance argument thereon.
15. As far as the provisions of **section 30 (3)** of the Gauteng Liquor Act, 2003 are concerned, as has been pointed out in the application, there are places of worship, educational institutions, similar licensed premises and public transport facilities within 500m of the applicant’s premises. The MRA believes that such details as provided in the application are incomplete and inaccurate. Argument on this aspect will be made at the hearing.
16. The application papers are furthermore in many material respects incomplete and factually incorrect and the MRA is of the respectful view that the application for a restaurant liquor licence should be refused.

Signed: 

Date: 22/08/2017

Full names of Objector: Melville Residents Association
Address of Objector: 114, 3rd Avenue, MELVILLE 2092

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Email address of Objector: mrteam@ilovemelville.co.za